

109TH CONGRESS
2D SESSION

S. 3854

To designate certain land in the State of Oregon as wilderness, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 6, 2006

Mr. WYDEN (for himself and Mr. SMITH) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To designate certain land in the State of Oregon as wilderness, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Lewis and Clark Mount Hood Wilderness Act of 2006”.

6 (b) TABLE OF CONTENTS.—The table of contents of
7 this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.

TITLE I—DESIGNATION OF WILDERNESS AREAS

- Sec. 101. Findings and purpose.
- Sec. 102. Lewis and Clark Mount Hood wilderness areas.
- Sec. 103. Map and legal descriptions.
- Sec. 104. Administration.
- Sec. 105. Buffer zones.
- Sec. 106. Fire safe community zones.
- Sec. 107. Gateway communities.
- Sec. 108. Fish and wildlife; hunting and fishing.
- Sec. 109. Trail restoration and study.
- Sec. 110. Fire, insects, and diseases.
- Sec. 111. Land reclassification.
- Sec. 112. Valid existing rights and withdrawal.
- Sec. 113. Maintenance and replacement of foot bridges in wilderness areas.
- Sec. 114. Richard L. Kohnstamm Memorial Area.

TITLE II—DESIGNATION OF STREAMS FOR WILD AND SCENIC RIVER PROTECTION IN THE MOUNT HOOD AREA

- Sec. 201. Finding and purpose.
- Sec. 202. Wild and scenic river designations, Mount Hood National Forest.
- Sec. 203. Impact on water rights and flow requirements.

TITLE III—MOUNT HOOD NATIONAL RECREATION AREA

- Sec. 301. Designation.

TITLE IV—TRANSPORTATION AND COMMUNICATION SYSTEMS

- Sec. 401. Definition of Mount Hood region.
- Sec. 402. Transportation plan.
- Sec. 403. Study relating to gondola connection and intermodal transportation center.
- Sec. 404. Burial of power lines.
- Sec. 405. Culvert replacement.
- Sec. 406. Clarification of treatment of State highways.

TITLE V—LAND EXCHANGE

Subtitle A—Cooper Spur-Government Camp Land Exchange

- Sec. 501. Purpose.
- Sec. 502. Cooper Spur-Government Camp land exchange.

Subtitle B—Other Land Exchanges

- Sec. 511. Land exchange, Port of Cascade Locks-Pacific Crest National Scenic Trail.
- Sec. 512. Hunchback Mountain land exchange, Clackamas County.

TITLE VI—MOUNT HOOD NATIONAL FOREST AND WATERSHED STEWARDSHIP

- Sec. 601. Findings and purpose.
- Sec. 602. Forest stewardship assessment.
- Sec. 603. Sustainable biomass utilization study.
- Sec. 604. Watershed management memoranda of understanding.
- Sec. 605. Termination of authority.

TITLE VII—CRYSTAL SPRINGS WATERSHED SPECIAL RESOURCES
MANAGEMENT UNIT

- Sec. 701. Findings and purpose.
 Sec. 702. Establishment of Crystal Springs Watershed Special Resources Management Unit.
 Sec. 703. Administration of Management Unit.
 Sec. 704. Acquisition of lands.
 Sec. 705. Effective date.

TITLE VIII—LOCAL AND TRIBAL RELATIONSHIPS

- Sec. 801. Findings and purpose.
 Sec. 802. First foods gathering areas.
 Sec. 803. Forest Service coordination with State and local governments.
 Sec. 804. Savings provisions regarding relations with Indian tribes.
 Sec. 805. Improved natural disaster preparedness.

TITLE IX—RECREATION

- Sec. 901. Findings and purpose.
 Sec. 902. Retention of Mount Hood National Forest land use fees from special use authorizations.
 Sec. 903. Use of funds in special account to support recreation.
 Sec. 904. Annual reporting requirement.
 Sec. 905. Mount hood national forest recreational working group.
 Sec. 906. Consideration of conversion of forest roads to recreational uses.
 Sec. 907. Improved trail access for persons with disabilities.

TITLE X—AUTHORIZATION OF APPROPRIATIONS

- Sec. 1001. Authorization of appropriations.

1 SEC. 2. FINDINGS.

2 Congress finds that—

3 (1) long before the arrival of Lewis and Clark,
4 Native Americans in the Oregon country lived amid
5 the wild splendor of the Cascade Mountains and the
6 Columbia River, where the waters teemed with fish,
7 game roamed the forests, and fruits and berries
8 were abundant;

9 (2) the Native Americans arrived in this bounti-
10 ful land from Asia by way of the Bering Sea and in-

1 habited the land in and around Mount Hood and the
2 Columbia Gorge;

3 (3) some of the tribes along the Columbia River
4 were part of the Chinook family;

5 (4) many of the people of the tribes—

6 (A) used canoes made from cedar logs;

7 (B) were expert fisherman;

8 (C) told fire legends about the mid-Colum-
9 bia volcanic peaks that featured warrior heroes,
10 fair ladies, and numerous gods; and

11 (D) Mount Hood as Wy'East, the warrior
12 whose passionate love caused the region to be
13 transformed as he hurled powerful volcanic fire
14 in his quest for the love of the gentle maiden
15 Loo-wit, known today as Mount St. Helens;

16 (5) traveling down the Columbia River in 1805,
17 the Lewis and Clark Corps of Discovery expedition
18 was awed by the unspoiled scenic splendors of the
19 Cascade Mountains and the Columbia River Gorge
20 cutting through the mountain rampart;

21 (6) on October 18, 1805, Clark recorded in his
22 journal: “I ascended a high cliff, about 200 feet
23 above the water, from the top of which is a level
24 plain, extending up the river and off for a great ex-

1 tent. From this place I discovered a mountain of im-
2 mense height, covered with snow.”;

3 (7) following Lewis and Clark, settlers came to
4 the Oregon territory by way of the Oregon Trail,
5 transforming more accessible portions of the wild
6 landscape into farms, orchards, and small commu-
7 nities using the old growth forests;

8 (8) in 1845, Oregon Trail pioneers Samuel K.
9 Barlow and Joel Palmer and their parties opened
10 the Barlow Trail across Barlow Pass, high on the
11 south slopes of Mount Hood, with Palmer writing on
12 October 11, 1845: “I had never seen a sight so
13 nobly grand.”;

14 (9) even as the settlers transformed the wilder-
15 ness, that frontier land helped develop in the settlers
16 the characteristics of self-reliance, fortitude, hard
17 work, independence, and love of the land, which the
18 people of Oregon and the entire United States cher-
19 ish to this day and wish to inculcate in their chil-
20 dren;

21 (10) the unprotected wilderness that remains in
22 the Mount Hood and Columbia River Gorge region
23 provides easily accessible outdoor recreation for the
24 descendants of the early settlers and more recent ar-
25 rivals;

1 (11) Mount Hood is home to the historic Tim-
2 berline Lodge, which—

3 (A) is a National Historic Landmark;

4 (B) was built as a project by the Federal
5 Works Progress Administration in 1937; and

6 (C) was restored to its former grandeur by
7 the dedication and stewardship of Richard L.
8 Kohnstamm;

9 (12) preserving wilderness assures the integrity
10 of the background and scenic views that enrich more
11 developed forms of recreational use, including down-
12 hill skiing and roadside enjoyment of sweeping wil-
13 derness scenery;

14 (13) designation as wilderness provides the
15 strongest congressional protection of scientific, cul-
16 tural, educational, environmental, scenic, and rec-
17 reational values that contribute long-term quality of
18 life and economic benefits to the people of Oregon,
19 visitors to Oregon, and local communities in and
20 around the Mount Hood National Forest, including
21 the wilderness-dependent wildlife, high water quality,
22 and resident and anadromous fish that thrive in un-
23 disturbed ecosystems;

1 (14) the Mount Hood National Forest is the
2 seventh most visited National Forest in the United
3 States;

4 (15) wilderness management is interrelated
5 with and will interface with the established activities
6 and management of adjacent land, particularly when
7 the land is high-density recreation land;

8 (16) Mount Hood National Forest is predomi-
9 nantly used by the public for mechanized and non-
10 mechanized activities, such as hiking, camping, and
11 fishing, which according to the Mount Hood Na-
12 tional Forest Management Plan, are projected to in-
13 crease dramatically over time;

14 (17) the Land and Resource Management Plan
15 for Mount Hood National Forest provides that “the
16 present capability to supply recreational opportuni-
17 ties such as hiking on trails in primitive and semi-
18 primitive non-motorized areas is predicted to fall
19 short of satisfying demand”;

20 (18) according to the plan described in para-
21 graph (17), the Mount Hood National Forest—

22 (A) provides resources for nearly 2 times
23 the current demand for developed recreation
24 such as skiing, power boating, and sightseeing
25 by car; but

1 (B) meets less than $\frac{2}{3}$ of the demand for
 2 back country recreation;

3 (19) the Management Plan for Mount Hood
 4 National Forest projects that by 2040, the Mount
 5 Hood National Forest will only meet 16 percent of
 6 the demand for wilderness recreation, while meeting
 7 more than 100 percent of the demand for mecha-
 8 nized recreation;

9 (20) because the Mount Hood National Forest
 10 provides drinking water for more than 16 commu-
 11 nities and over 40 percent of Oregon residents, man-
 12 agement of the Mount Hood National Forest needs
 13 to take into consideration plans developed by local
 14 watershed councils in managing the forest; and

15 (21) the management of the Mount Hood Na-
 16 tional Forest should address practical, site-specific
 17 situations in a manner that supports wilderness and
 18 the general environmental, economic, and commu-
 19 nity-related welfare of the mountain.

20 **SEC. 3. DEFINITIONS.**

21 In this Act:

22 (1) INDIAN TRIBE.—The term “Indian tribe”
 23 has the meaning given the term in section 4 of the
 24 Indian Self-Determination and Education Assistance
 25 Act (25 U.S.C. 450b).

1 (2) MOUNTAIN BIKE.—The term “mountain
2 bike” does not include a motorized vehicle.

3 (3) OLD GROWTH.—The term “old growth”,
4 with respect to a tree or grove of trees, means a tree
5 or grove that is—

6 (A) at last 120 years old; or

7 (B) previously unmanaged.

8 (4) SECRETARY.—The term “Secretary”
9 means—

10 (A) when used in reference to Forest Serv-
11 ice land, the Secretary of Agriculture; and

12 (B) when used in reference to Bureau of
13 Land Management land, the Secretary of the
14 Interior.

15 (5) STATE.—The term “State” means the State
16 of Oregon.

17 **TITLE I—DESIGNATION OF** 18 **WILDERNESS AREAS**

19 **SEC. 101. FINDINGS AND PURPOSE.**

20 (a) FINDINGS.—Congress finds that—

21 (1) the most recent designation of wilderness in
22 the Mount Hood National Forest occurred in 1984;
23 and

24 (2) the designation of an additional 128,400
25 acres as a wilderness area by this title will increase

1 the amount of wilderness designated as a wilderness
 2 area in the Mount Hood National Forest by 68 per-
 3 cent.

4 (b) PURPOSE.—The purpose of this title is to des-
 5 ignate approximately 128,400 acres of National Forest
 6 System land in the Mount Hood National Forest as a wil-
 7 derness area.

8 **SEC. 102. LEWIS AND CLARK MOUNT HOOD WILDERNESS**
 9 **AREAS.**

10 (a) DESIGNATIONS.—In accordance with the Wilder-
 11 ness Act (16 U.S.C. 1131 et seq.), the following areas in
 12 the State are designated as wilderness areas and as com-
 13 ponents of the National Wilderness Preservation System:

14 (1) BADGER CREEK WILDERNESS ADDITIONS.—
 15 Certain Federal land managed by the Forest Serv-
 16 ice, comprising approximately 3,700 acres, as gen-
 17 erally depicted on the maps entitled “Badger Creek”
 18 and “Bonnie Butte”, dated September 2006, which
 19 are incorporated in, and considered to be a part of,
 20 the Badger Creek Wilderness, as designated by sec-
 21 tion 3(3) of the Oregon Wilderness Act of 1984 (16
 22 U.S.C. 1132 note; 98 Stat. 273).

23 (2) BULL OF THE WOODS WILDERNESS ADDI-
 24 TION.—Certain Federal land managed by the Forest
 25 Service, comprising approximately 6,870 acres, as

1 generally depicted on the map entitled “Bull of the
2 Woods”, dated June 2006, which is incorporated in,
3 and considered to be a part of, the Bull of the
4 Woods Wilderness, as designated by section 3(4) of
5 the Oregon Wilderness Act of 1984 (16 U.S.C. 1132
6 note; 98 Stat. 273).

7 (3) CLACKAMAS WILDERNESS.—Certain Federal
8 land managed by the Forest Service and Bureau of
9 Land Management, comprising approximately
10 11,900 acres, as generally depicted on the maps en-
11 titled “Clackamas Canyon”, “Big Bottom”,
12 “Memaloose Lake”, “South Fork Clackamas”, “Sisi
13 Butte”, and “Upper Big Bottom”, dated September
14 2006, which shall be known as the “Clackamas Wil-
15 derness”.

16 (4) LOWER WHITE RIVER WILDERNESS.—Cer-
17 tain Federal land managed by the Forest Service
18 and Bureau of Land Management, comprising ap-
19 proximately 2,850 acres, as generally depicted on the
20 map entitled “Lower White River”, dated September
21 2006, which shall be known as the “Lower White
22 River Wilderness”.

23 (5) MARK O. HATFIELD WILDERNESS ADDI-
24 TIONS.—Certain Federal land managed by the For-
25 est Service, comprising approximately 26,000 acres,

1 as generally depicted on the maps entitled “Gorge
2 Ridgeline” and “Larch Mountain”, dated September
3 2006, which shall be known as the “Mark O. Hat-
4 field Wilderness Additions”.

5 (6) MOUNT HOOD WILDERNESS ADDITIONS.—
6 Certain Federal land managed by the Forest Serv-
7 ice, comprising approximately 21,580 acres, as gen-
8 erally depicted on the maps entitled “Elk Cove/
9 Mazama Addition”, “Sandy Additions”, “Tilly
10 Jane”, “Sand Canyon”, “Lost Lake”, “Twin
11 Lakes”, “Barlow Butte”, “White River”, and “Rich-
12 ard L. Kohnstamm Memorial Area”, dated Sep-
13 tember 2006, which are incorporated in, and consid-
14 ered to be a part of, the Mount Hood Wilderness as
15 designated under section 3(a) of the Wilderness Act
16 (16 U.S.C. 1132(a)), and enlarged by section 3(d) of
17 the Endangered American Wilderness Act of 1978
18 (16 U.S.C. 1132 note; 92 Stat. 43).

19 (7) ROARING RIVER WILDERNESS.—Certain
20 Federal land managed by the Forest Service, com-
21 prising approximately 37,750 acres, as generally de-
22 picted on the map entitled “Roaring River Wilder-
23 ness”, dated September 2006, which shall be known
24 as the “Roaring River Wilderness”.

1 (8) SALMON-HUCKLEBERRY WILDERNESS ADDI-
 2 TIONS.—Certain Federal land managed by the For-
 3 est Service, comprising approximately 17,720 acres,
 4 as generally depicted on the maps entitled “Alder
 5 Creek Addition”, “Eagle Creek Addition”, “Mirror
 6 Lake”, “Inch Creek”, “Salmon River Meadows”,
 7 and “Hunchback Mountain”, dated September 2006,
 8 which are incorporated in, and considered to be a
 9 part of, the Salmon-Huckleberry Wilderness, as des-
 10 ignated by section 3(2) of the Oregon Wilderness
 11 Act of 1984 (16 U.S.C. 1132 note; 98 Stat. 273).

12 (b) EFFECT OF DESIGNATIONS.—

13 (1) ELECTRIC UTILITIES.—The areas in the
 14 State that are designated as wilderness areas and as
 15 components of the National Wilderness Preservation
 16 System under subsection (a) shall not—

17 (A) include any land that on the date of
 18 enactment of this Act is—

19 (i) licensed for a hydroelectric project
 20 by the Federal Energy Regulatory Com-
 21 mission; or

22 (ii) located within 200 feet of an elec-
 23 tric power line in the White River Unit of
 24 the Mount Hood Wilderness Additions
 25 under subsection (a)(6); or

1 (B) affect any activity relating to the oper-
2 ation, maintenance, or construction of a project
3 described in clause (i) or (ii) of subparagraph
4 (A).

5 (2) COLUMBIA GORGE AIRSHED.—The area de-
6 picted on the maps entitled “Gorge Ridgeline Wil-
7 derness” and “Large Mountain”, dated September
8 2006, that is designated as a wilderness area and as
9 a component of the National Wilderness Preserva-
10 tion System under subsection (a) shall not result in
11 the designation of a Class I airshed in the Columbia
12 Gorge through Federal regulatory action.

13 **SEC. 103. MAP AND LEGAL DESCRIPTIONS.**

14 (a) IN GENERAL.—As soon as practicable after the
15 date of enactment of this Act, the Secretary shall file a
16 map entitled “Lewis and Clark Mount Hood Wilderness
17 Additions of 2006”, dated September 2006, and a legal
18 description of each wilderness area designated by this title,
19 with—

20 (1) the Committee on Energy and Natural Re-
21 sources of the Senate; and

22 (2) the Committee on Resources of the House
23 of Representatives.

24 (b) FORCE OF LAW.—The map and legal descriptions
25 filed under subsection (a) shall have the same force and

1 effect as if included in this Act, except that the Secretary
2 may correct typographical errors in the map and each
3 legal description.

4 (c) PUBLIC AVAILABILITY.—Each map and legal de-
5 scription filed under subsection (a) shall be on file and
6 available for public inspection in—

7 (1) the office of the Chief of the Forest Service;

8 (2) the office of the Director of the Bureau of
9 Land Management; and

10 (3) the applicable local Forest Service and Bu-
11 reau of Land Management offices.

12 **SEC. 104. ADMINISTRATION.**

13 (a) IN GENERAL.—Subject to valid rights in exist-
14 ence on the date of enactment of this Act, each wilderness
15 area designated under this title shall be administered by
16 the Secretary in accordance with the Wilderness Act (16
17 U.S.C. 1131 et seq.).

18 (b) CONSISTENT INTERPRETATION TO THE PUB-
19 LIC.—Notwithstanding their separate jurisdictions, the
20 Secretary of Agriculture and the Secretary of the Interior
21 shall collaborate to ensure that the wilderness areas des-
22 ignated by this title, if appropriate, are interpreted for the
23 public as an overall complex related by—

24 (1) common location in the Mount Hood-Co-
25 lumbia River Gorge region;

1 (2) the abundant history of Native American
2 use;

3 (3) the epic journey of Lewis and Clark;

4 (4) the pioneer settlement and growth of the
5 State; and

6 (5) water sources for more than 40 percent of
7 the residents of the State.

8 (c) INCORPORATION OF ACQUIRED LAND AND INTER-
9 ESTS.—Any land or interest in land located within the
10 boundaries of an area designated as a wilderness area by
11 this title that is acquired by the United States after the
12 date of enactment of this Act shall be added to, and ad-
13 ministered as part of, the wilderness area within which
14 the acquired land or interest is located.

15 **SEC. 105. BUFFER ZONES.**

16 (a) IN GENERAL.—As provided in the Oregon Wilder-
17 ness Act of 1984 (16 U.S.C. 1132 note; Public Law 98–
18 328), Congress does not intend for designation of wilder-
19 ness areas in the State under this title to lead to the cre-
20 ation of protective perimeters or buffer zones around each
21 wilderness area.

22 (b) ACTIVITIES OR USES UP TO BOUNDARIES.—The
23 fact that nonwilderness activities or uses can be seen or
24 heard from within a wilderness area shall not, of itself,

1 preclude the activities or uses up to the boundary of the
2 wilderness area.

3 **SEC. 106. FIRE SAFE COMMUNITY ZONES.**

4 Consistent with the Mount Hood National Forest
5 Management Plan and the Healthy Forests Restoration
6 Act of 2003 (16 U.S.C. 6501 et seq.), the Secretary shall
7 construct a strategic system of defensible fuel profile zones
8 (including shaded fuelbreaks, thinning, individual tree se-
9 lection, and other methods of vegetation management) be-
10 tween the wilderness boundary and the community bound-
11 ary around Cascade Locks and Government Camp.

12 **SEC. 107. GATEWAY COMMUNITIES.**

13 (a) IN GENERAL.—The Secretary may provide grants
14 to communities that are gateways to Mount Hood Wilder-
15 ness areas, including the Hoodland Fire District, Govern-
16 ment Camp, and the villages surrounding Mount Hood,
17 and the appropriate county governments in the State, to
18 be administered through the Forest Service State and Pri-
19 vate Forestry program.

20 (b) LIMITATION OF FUNDS.—The total amount of
21 funds provided by the Secretary to gateway communities
22 under subsection (a) shall not exceed \$10,000,000.

23 **SEC. 108. FISH AND WILDLIFE; HUNTING AND FISHING.**

24 (a) FISH AND WILDLIFE.—In furtherance of the pur-
25 poses of the Wilderness Act (16 U.S.C. 1131 et seq.), the

1 Secretary may carry out management activities to main-
2 tain or restore fish and wildlife populations and fish and
3 wildlife habitats on the National Forest System land des-
4 ignated as wilderness by section 102 if those activities
5 are—

6 (1) consistent with applicable wilderness man-
7 agement plans; and

8 (2) carried out in accordance with applicable
9 guidelines and policies.

10 (b) BULL TROUT RESTORATION PROJECT.—

11 (1) IN GENERAL.—Nothing in this Act affects
12 the authority of the Secretary to carry out the Bull
13 Trout restoration project underway as of the date of
14 enactment of this Act in Clear Branch Creek.

15 (2) MINIMUM TOOL POLICIES.—The Secretary
16 shall carry out the Bull Trout restoration project
17 under paragraph (1) in accordance with the min-
18 imum tools policies of the Forest Service.

19 **SEC. 109. TRAIL RESTORATION AND STUDY.**

20 (a) PALMETEER TRAIL RESTORATION.—

21 (1) IN GENERAL.—It is the intent of Congress
22 that nothing in this title shall prevent the Secretary
23 from conducting the planned Palmeteer Trail res-
24 toration project underway as of the date of enact-
25 ment of this Act in the Twin Lakes area of the

1 Mount Hood National Forest to restore the quality
2 of the Trail.

3 (2) MINIMUM TOOLS POLICIES.—The Secretary
4 shall carry out the Palmateer Trail restoration
5 project described in paragraph (1) in accordance
6 with the minimum tools policies of the Forest Serv-
7 ice.

8 (b) STUDY OF COOL CREEK TRAIL 794.—The Sec-
9 retary shall conduct a study of the appropriate public use
10 of Cool Creek Trail 794.

11 **SEC. 110. FIRE, INSECTS, AND DISEASES.**

12 As provided in section 4(d)(1) of the Wilderness Act
13 (16 U.S.C. 1133(d)(1)), within the wilderness areas des-
14 ignated by this Act, the Secretary of Agriculture (in col-
15 laboration with the Secretary of the Interior, where appro-
16 priate) may take such measures as are necessary to con-
17 trol fire, insects, and diseases, subject to such conditions
18 as the Secretary of Agriculture (in collaboration with the
19 Secretary of the Interior where appropriate) determines
20 to be desirable.

21 **SEC. 111. LAND RECLASSIFICATION.**

22 (a) OREGON AND CALIFORNIA RAILROAD LAND.—
23 Not later than 180 days after the date of enactment of
24 this Act, the Secretary of Agriculture and the Secretary
25 of the Interior shall identify any Oregon and California

1 Railroad Land that is subject to section 201 of the Act
2 of August 28, 1937 (43 U.S.C. 1181f), within the bound-
3 ary of the Clackamas Wilderness, as generally depicted on
4 the map entitled “South Fork Clackamas”, dated Sep-
5 tember 2006.

6 (b) PUBLIC DOMAIN LAND.—

7 (1) DEFINITION OF PUBLIC DOMAIN LAND.—In
8 this section, the term “public domain land”—

9 (A) has the meaning given the term “pub-
10 lic land” in section 103 of the Federal Land
11 Policy and Management Act of 1976 (43 U.S.C.
12 1702); and

13 (B) does not include any land managed
14 under the Act of August 28, 1937 (43 U.S.C.
15 1181a et seq.).

16 (2) IDENTIFICATION.—Not later than 180 days
17 after the date of enactment of this Act, the Sec-
18 retary of the Interior shall identify public domain
19 land within the State that is approximately equal in
20 acreage of land described in subsection (a), but is
21 not subject to the Act of August 28, 1937 (43
22 U.S.C. 1181a et seq.).

23 (3) MAPS.—Not later than 180 days after the
24 date of enactment of this Act, the Secretary of the
25 Interior shall submit to Congress and publish in the

1 Federal Register, 1 or more maps depicting the land
2 identified under subsections (a) and this subsection.

3 (4) RECLASSIFICATION.—After providing an op-
4 portunity for public comment, the Secretary of the
5 Interior shall administratively reclassify—

6 (A) the land described in subsection (a) as
7 public domain land that is not subject to sec-
8 tion 201 of the Act of August 28, 1937 (43
9 U.S.C. 1181f); and

10 (B) the land described in this subsection as
11 Oregon and California Railroad Land that is
12 subject to the Act of August 28, 1937 (43
13 U.S.C. 1181a et seq.).

14 **SEC. 112. VALID EXISTING RIGHTS AND WITHDRAWAL.**

15 (a) VALID EXISTING RIGHTS.—Nothing in this Act
16 affects any valid existing right.

17 (b) WITHDRAWAL.—Subject to valid rights existing
18 on the date of enactment of this Act, the Federal land
19 referred to in section 102 is withdrawn from all forms of—

20 (1) appropriation;

21 (2) disposal under public law;

22 (3) location, entry, and patent under mining
23 law; and

24 (4) disposition under all laws pertaining to min-
25 eral and geothermal leasing or mineral materials.

1 **SEC. 113. MAINTENANCE AND REPLACEMENT OF FOOT**
2 **BRIDGES IN WILDERNESS AREAS.**

3 (a) IN GENERAL.—In the case of each wilderness
4 area designated or expanded by section 102, it is the in-
5 tent of Congress that the Secretary be able to provide
6 for—

7 (1) the maintenance of any foot bridge crossing
8 located in a wilderness area; and

9 (2) when needed, the replacement of the foot
10 bridge crossings to ensure public access and safety.

11 (b) MINIMUM TOOL POLICIES.—The Secretary shall
12 carry out foot bridge replacement work under subsection
13 (a) in accordance with the minimum tools policies of the
14 Forest Service.

15 **SEC. 114. RICHARD L. KOHNSTAMM MEMORIAL AREA.**

16 (a) DESIGNATION.—Certain Federal land managed
17 by the Forest Service, comprising approximately 30 acres,
18 as generally depicted on the map entitled “Richard L.
19 Kohnstamm Memorial Area”, dated September 2006, and
20 approximately 157 acres of designated wilderness, as gen-
21 erally depicted on the map entitled “Richard L.
22 Kohnstamm Memorial Area”, dated September 2006,
23 shall be known and designated as the “Richard L.
24 Kohnstamm Wilderness”.

25 (b) REFERENCES.—Any reference in a law, map, reg-
26 ulation, document, paper, or other record of the United

1 States to an area described in subsection (a) shall be
 2 deemed to be a reference to the Richard L. Kohnstamm
 3 Wilderness.

4 (c) BOUNDARY.—

5 (1) IN GENERAL.—The memorial area shall
 6 consist of land located within the boundary depicted
 7 on the map entitled “Richard L. Kohnstamm Memo-
 8 rial Area”, dated September 2006.

9 (2) AVAILABILITY OF MAP.—The map shall be
 10 on file and available for public inspection in the ap-
 11 propriate offices of the Forest Service.

12 **TITLE II—DESIGNATION OF** 13 **STREAMS FOR WILD AND SCE-** 14 **NIC RIVER PROTECTION IN** 15 **THE MOUNT HOOD AREA**

16 **SEC. 201. FINDING AND PURPOSE.**

17 (a) FINDING.—Congress finds that the addition of 81
 18 miles of waterways to the National Wild and Scenic River
 19 System in the Mount Hood National Forest would in-
 20 crease the total length of the portion of the National Wild
 21 and Scenic River System that is located in the Mount
 22 Hood National Forest by approximately 47 percent.

23 (b) PURPOSE.—The purpose of this title is to des-
 24 ignate approximately 81 miles of waterways in the Mount

1 Hood National Forest as additions to the National Wild
2 and Scenic Rivers System.

3 **SEC. 202. WILD AND SCENIC RIVER DESIGNATIONS, MOUNT**
4 **HOOD NATIONAL FOREST.**

5 Section 3(a) of the Wild and Scenic Rivers Act (16
6 U.S.C. 1274(a)) is amended—

7 (1) by designating the undesignated paragraph
8 relating to the White Salmon River as paragraph
9 (167); and

10 (2) by adding at the end the following:

11 “(168) MOUNT HOOD NATIONAL FOREST, OR-
12 EGON.—The following segments in the Mount Hood
13 National Forest in the State of Oregon, to be ad-
14 ministered by the Secretary of Agriculture:

15 “(A) The 4.1-mile segment of the South
16 Fork of the Clackamas River from its con-
17 fluence with the East Fork of the South Fork
18 of the Clackamas to the its confluence with the
19 Clackamas River, as a scenic river.

20 “(B) The 8.5-mile segment of Eagle Creek
21 from its headwaters to the Mount Hood Na-
22 tional Forest boundary, of which—

23 “(i) the 6.7-mile segment from its
24 headwaters to the west section line of T. 3
25 S., R. 6 E., sec. 20, as a wild river; and

1 “(ii) the remaining 1.8-mile segment
2 from that section line, as a recreational
3 river.

4 “(C) The 3.7-mile segment of the Middle
5 Fork of the Hood River from the confluence of
6 Clear and Coe Branches to the Mount Hood
7 National Forest boundary of sec. 11 and 12 in
8 T. 1 S., R. 9 and 10 E., as a scenic river.

9 “(D) The 4.6-mile segment of the South
10 Fork Roaring River from its headwaters to its
11 confluence with Roaring River, as a wild river.

12 “(E) The 4.3-mile segment of the Zig Zag
13 River from its headwaters to the Mount Hood
14 Wilderness boundary, as a wild river.

15 “(F) The 11.1-mile segment of Fifteenmile
16 Creek from its source at Senecal Spring to the
17 Mount Hood National Forest boundary, includ-
18 ing—

19 “(i) the 2.6-mile segment from its
20 source at Senecal Spring to the Badger
21 Creek Wilderness boundary, as a wild
22 river;

23 “(ii) the 0.4-mile segment from the
24 Badger Creek Wilderness boundary to the

1 point 0.4 miles downstream, as a scenic
2 river;

3 “(iii) the 7.9-mile segment from the
4 point 0.4 miles downstream of the Badger
5 Creek Wilderness boundary to the western
6 edge of sec. 20, T. 2 S., R. 12 E., WM,
7 as a wild river; and

8 “(iv) the 0.2-mile segment from the
9 western edge of section 20, T. 2 S., R. 12
10 E., WM to the Mount Hood National For-
11 est boundary, as a scenic river;

12 “(G) The 13.5-mile segment of the East
13 Fork Hood River from Oregon State Highway
14 35 to the Mount Hood National Forest bound-
15 ary, as a recreational river.

16 “(H) The 17.8-mile segment of the
17 Collawash River from the headwaters of the
18 East Fork Collawash to the confluence with the
19 Clackamas River, of which—

20 “(i) the 11.0-mile segment from the
21 headwaters of the East Fork Collawash
22 River to Buckeye Creek, as a scenic river;
23 and

1 “(ii) the 6.8-mile segment from Buck-
 2 eye Creek to the Clackamas River, as a
 3 recreational river.

4 “(I) The 13.6-mile segment of Fish Creek
 5 from its headwaters to the confluence with the
 6 Clackamas River, as a recreational river.”.

7 **SEC. 203. IMPACT ON WATER RIGHTS AND FLOW REQUIRE-**
 8 **MENTS.**

9 (a) **RELATION TO EXISTING REQUIREMENTS.**—Con-
 10 gress does not intend for the designation of any portion
 11 of the Hood River under section 3(a) of the Wild and Sce-
 12 nic Rivers Act (16 U.S.C. 1274(a)), as amended by this
 13 Act, to have any impact on any water right or flow re-
 14 quirement relating to—

- 15 (1) the Middle Fork Irrigation District;
- 16 (2) the East Fork Irrigation District; or
- 17 (3) the Mt. Hood Meadows Ski Resort.

18 (b) **EXCLUSION OF OPERATIONAL AREAS.**—Congress
 19 does not intend for the designation of any portion of the
 20 Hood River under section 3(a) of the Wild and Scenic Riv-
 21 ers Act (16 U.S.C. 1274(a)), as amended by this Act, to
 22 include any portion of the operational area of—

- 23 (1) the Middle Fork Irrigation District;
- 24 (2) the East Fork Irrigation District; or
- 25 (3) the Mt. Hood Meadows Ski Resort.

1 **TITLE III—MOUNT HOOD**
2 **NATIONAL RECREATION AREA**

3 **SEC. 301. DESIGNATION.**

4 (a) DESIGNATION.—The Mount Hood National
5 Recreation Area shall be known and designated as the
6 “Mount Hood National Recreation Area”.

7 (b) REFERENCES.—Any reference in a law, map, reg-
8 ulation, document, paper, or other record of the United
9 States to the Mount Hood National Recreation Area shall
10 be deemed to be a reference to the Mount Hood National
11 Recreation Area.

12 (c) BOUNDARY.—

13 (1) IN GENERAL.—The Mount Hood National
14 Recreation Area shall consist of land located within
15 the boundary depicted on the map entitled “Mount
16 Hood National Recreation Area”, dated September
17 2006.

18 (2) AVAILABILITY OF MAP.—The map shall be
19 on file and available for public inspection in the ap-
20 propriate offices of the Forest Service and Bureau
21 of Land Management.

22 (d) ADMINISTRATION.—The Secretary shall admin-
23 ister the Mount Hood National Recreation Area in accord-
24 ance with the laws, rules, and regulations applicable to
25 the national forests for public outdoor recreation—

1 (1) in a manner that—

2 (A) protects and maintains—

3 (i) the diverse recreational opportuni-
4 ties of the Mount Hood National Recre-
5 ation Area for public use; and

6 (ii) fish and wildlife habitats;

7 (B) conserves the scenic, recreational, cul-
8 tural, scientific, spiritual, and other values of
9 the Mount Hood National Recreation Area that
10 contribute to the benefit of the public;

11 (C) preserves each feature and peculiarity
12 of the Mount Hood National Recreation Area
13 believed to be biologically significant, includ-
14 ing—

15 (i) rare and endemic plant species;

16 (ii) rare combinations of aquatic, ter-
17 restrial, and atmospheric habitats; and

18 (iii) rare combinations of outstanding
19 and diverse ecosystems and parts of associ-
20 ated ecosystems;

21 (D) protects archeological and paleontolog-
22 ical sites and interprets those sites for the ben-
23 efit of the public;

24 (E) maintains and enhances the desired
25 structural components consistent with Stand-

ards and Guidelines of the Northwest Forest
Plan; and

(F) prevents any cutting, sale, or removal
of timber except where the cutting, sale, or re-
moval of timber—

(i) improves the health of the forest
and—

(I) maximizes the retention of
large trees as appropriate to the for-
est type, to the extent that those trees
promote stands that are fire-resilient
and healthy;

(II) improves the habitats of
threatened, endangered, proposed, or
sensitive species; and

(III) maintains or restores the
composition and structure of the eco-
system by reducing the risk of
uncharacteristic wildfire effects;

(ii) is incidental to the accomplish-
ment of an approved management activity
not otherwise prohibited; or

(iii) is for personal or administrative
use; and

1 (2) to prevent the new or temporary construc-
2 tion or reconstruction of roads, except when the new
3 or temporary construction or reconstruction of roads
4 is required—

5 (A) to protect the health and safety of in-
6 dividuals in cases of an imminent threat of
7 flood, fire, or any other catastrophic event that,
8 without intervention, would cause the loss of
9 life or property;

10 (B) to conduct environmental cleanup re-
11 quired by the Federal Government;

12 (C) to allow for reserved or outstanding
13 rights provided for by a statute or treaty;

14 (D) to prevent irreparable resource damage
15 by an existing road;

16 (E) to rectify a hazardous road condition;

17 (F) as part of a Federal-aid highway
18 project; or

19 (G) in conjunction with—

20 (i) the continuation, extension, or re-
21 newal of a mineral lease on land that is
22 under lease; or

23 (ii) a new mineral lease that is issued
24 immediately after the expiration of an ex-
25 isting mineral lease.

1 (e) CHAINSAWS.—The Secretary may use chainsaws
 2 to maintain existing trails in the Mount Hood National
 3 Recreation Area.

4 **TITLE IV—TRANSPORTATION** 5 **AND COMMUNICATION SYSTEMS**

6 **SEC. 401. DEFINITION OF MOUNT HOOD REGION.**

7 In this title, the term “Mount Hood region” means—

8 (1) Mount Hood and the other land located ad-
 9 jacent to the mountain;

10 (2) any segment of the Oregon State Highway
 11 26 corridor that is located in or near Mount Hood
 12 National Forest;

13 (3) any segment of the Oregon State Highway
 14 35 corridor that is located in or near Mount Hood
 15 National Forest;

16 (4) each other road of the Forest Service,
 17 State, or county that is located in and near Mount
 18 Hood National Forest; and

19 (5) any gateway community located adjacent to
 20 any highway or road described in paragraph (2), (3),
 21 or (4).

22 **SEC. 402. TRANSPORTATION PLAN.**

23 (a) IN GENERAL.—The Secretary shall collaborate
 24 with the State to develop an integrated, multimodal trans-
 25 portation plan for the Mount Hood region to achieve com-

1 prehensive solutions to transportation challenges in the
2 Mount Hood region—

3 (1) to promote appropriate economic develop-
4 ment;

5 (2) to preserve the landscape of the Mount
6 Hood region; and

7 (3) to enhance public safety.

8 (b) PLANNING PROCESS.—The transportation plan
9 under subsection (a) shall—

10 (1) conform with Federal and Oregon transpor-
11 tation planning requirements; and

12 (2) be developed through a collaborative proc-
13 ess, preferably through the use of a commission
14 composed of interested persons appointed by the
15 State, with representation from the Forest Service
16 and local governments in the Mount Hood region.

17 (c) SCOPE OF PLAN.—The transportation plan under
18 subsection (a) shall address issues relating to—

19 (1) the transportation of individuals to and
20 from areas outside the Mount Hood region on major
21 corridors traversing that region; and

22 (2) the transportation of individuals to and
23 from locations that are located within the Mount
24 Hood region.

1 (d) CONTENTS OF PLAN.—At a minimum, the trans-
2 portation plan under subsection (a) shall consider—

3 (1) transportation alternatives between and
4 among recreation areas and gateway communities
5 that are located within the Mount Hood region;

6 (2) establishing park-and-ride facilities that
7 shall be located at gateway communities;

8 (3) establishing intermodal transportation cen-
9 ters to link public transportation, parking, and
10 recreation destinations;

11 (4) creating a new interchange on Oregon State
12 Highway 26 that shall be located adjacent to or
13 within Government Camp;

14 (5) designating, maintaining, and improving al-
15 ternative routes using Forest Service or State roads
16 for—

17 (A) providing emergency routes; or

18 (B) improving access to, and travel within,
19 the Mount Hood region;

20 (6) reconstructing the segment of Oregon State
21 Highway 35 that is located between Mineral Creek
22 and Baseline Road to address ongoing debris flow lo-
23 cations; and

1 (7) creating mechanisms for funding the imple-
 2 mentation of the transportation plan under sub-
 3 section (a), including—

4 (A) funds provided by the Federal Govern-
 5 ment;

6 (B) public-private partnerships;

7 (C) incremental tax financing; and

8 (D) other financing tools that link trans-
 9 portation infrastructure improvements with de-
 10 velopment.

11 (e) COMPLETION OF PLAN.—Not later than 2 years
 12 after the date on which funds are first made available to
 13 carry out this section, the Secretary shall complete the
 14 transportation plan under subsection (a).

15 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
 16 authorized to be appropriated to carry out this section
 17 \$2,000,000.

18 **SEC. 403. STUDY RELATING TO GONDOLA CONNECTION**
 19 **AND INTERMODAL TRANSPORTATION CEN-**
 20 **TER.**

21 (a) FEASIBILITY STUDY.—The Secretary shall carry
 22 out a study of the feasibility of establishing—

23 (1) a gondola connection that—

24 (A) connects Timberline Lodge to Govern-
 25 ment Camp; and

1 (B) is located in close proximity to the site
2 of the historic gondola corridor; and

3 (2) an intermodal transportation center to be
4 located in close proximity to Government Camp.

5 (b) CONSIDERATION OF MULTIPLE SITES.—In car-
6 rying out the feasibility study under subsection (a), the
7 Secretary may consider 1 or more sites.

8 **SEC. 404. BURIAL OF POWER LINES.**

9 Because of the incongruent presence of power lines
10 adjacent to or within wilderness areas, the Secretary may
11 provide to Cascade Locks and Hood River County
12 \$3,200,000 through the Forest Service State and Private
13 Forestry program to bury ground power lines adjacent to
14 or within Mount Hood Wilderness areas, including wilder-
15 ness areas designated by this Act.

16 **SEC. 405. CULVERT REPLACEMENT.**

17 (a) IN GENERAL.—The Secretary may provide
18 \$1,000,000 to Clackamas County to replace or remove cul-
19 verts on the wild and scenic river segments in Clackamas
20 County, Oregon, designated by title II.

21 (b) LIMITATION.—Culvert replacement carried out by
22 the Forest Service and Clackamas County to improve fish
23 passage and the ecology of the wilderness designated by
24 this Act shall not be considered water and resource devel-
25 opment.

1 **SEC. 406. CLARIFICATION OF TREATMENT OF STATE HIGH-**
2 **WAYS.**

3 (a) EXCLUSION.—Any part of Oregon State Highway
4 35 or other any other State highway in existence on the
5 date of enactment of this Act (including all existing rights-
6 of-way and 150 feet on each side of the centerline, which-
7 ever is greater, that is adjacent to or within wilderness
8 areas in the Mount Hood National Forest, including wil-
9 derness areas designated by this Act) shall be excluded
10 from wilderness under this Act.

11 (b) NO NET EFFECT.—The designation of wilderness
12 or wild and scenic rivers under this Act or an amendment
13 made by this Act shall not limit or restrict the ability of
14 the State—

15 (1) to operate, maintain, repair, reconstruct,
16 protect, or make any other improvement to Oregon
17 State Highway 35 or any other State highway in ex-
18 istence on the date of enactment of this Act;

19 (2) to use any site that is not within a highway
20 right-of-way to operate, maintain, repair, recon-
21 struct, protect, or make any other improvement to
22 those highways; or

23 (3) to take any action outside of a highway
24 right-of-way that is necessary to operate, maintain,
25 repair, reconstruct, protect, or make any other im-
26 provement to those highways.

1 (c) FLOOD PLAIN.—Congress encourages the car-
 2 rying out of projects that will reduce the impact of Oregon
 3 State Highway 35 on the flood plain of the East Fork
 4 Hood River.

5 **TITLE V—LAND EXCHANGE**
 6 **Subtitle A—Cooper Spur-**
 7 **Government Camp Land Exchange**

8 **SEC. 501. PURPOSE.**

9 The purpose of this subtitle is to recognize the years
 10 of work by local residents and political and business lead-
 11 ers from throughout the States of Oregon and Washington
 12 to protect the north side of Mount Hood and bring to cul-
 13 mination the land exchange authorized by section 502.

14 **SEC. 502. COOPER SPUR-GOVERNMENT CAMP LAND EX-**
 15 **CHANGE.**

16 (a) CONVEYANCE REQUIRED.—With the exception if
 17 the Retained Conservation and Trail Easements under
 18 subsection (j), the Secretary shall convey to Mt. Hood
 19 Meadows Oreg., Limited Partnership (in this subtitle re-
 20 ferred to as “Mt. Hood Meadows”), all right, title, and
 21 interest of the United States in and to—

22 (1) a parcel of National Forest System land in
 23 Mount Hood National Forest consisting of approxi-
 24 mately 80 acres in Government Camp, Clackamas
 25 County, Oregon, as depicted on the map entitled

1 “Cooper Spur-Government Camp Land Exchange”
2 and dated September 2006 (in this subtitle referred
3 to as the “official map”); and

4 (2) a parcel of National Forest System land in
5 Mount Hood National Forest consisting of approxi-
6 mately 40 acres in Government Camp, as depicted
7 on the official map.

8 (b) CONSIDERATION.—As consideration for the con-
9 veyance under subsection (a), Mt. Hood Meadows, Mead-
10 ows North, LLC, and North Face Inn, LLC, shall convey
11 to the United States all right, title, and interest of these
12 entities in and to—

13 (1) a parcel of private land consisting of ap-
14 proximately 770 acres at Cooper Spur, as depicted
15 on the official map;

16 (2) all buildings, furniture, fixtures, and equip-
17 ment at the Inn at Cooper Spur covered by the ap-
18 praisal described in subsection (c)(1);

19 (3) the 1,350 acre special use permit for the
20 Cooper Spur Ski Area, as depicted on the official
21 map; and

22 (4) all buildings, furniture, fixtures, and equip-
23 ment at the Cooper Spur Ski Area covered by the
24 appraisal described in subsection (c)(1).

25 (c) APPRAISALS.—

1 (1) IN GENERAL.—The values of the lands to
2 be exchanged under this Act shall be determined by
3 appraisals using nationally recognized appraisal
4 standards, including as appropriate—

5 (A) the Uniform Appraisal Standards for
6 Federal Land Acquisitions (1992); and

7 (B) the Uniform Standards of Professional
8 Appraisal Practice.

9 (2) EXISTING APPRAISALS.—The Secretary
10 shall review the appraisals of the land and other
11 property to be conveyed under subsections (a) and
12 (b) performed in 2005 by Appraiser Steven A. Hall,
13 MAI, CCIM, for accuracy and compliance with para-
14 graph (1). If the Secretary determines that the ap-
15 praisals are accurate and meet the requirements of
16 paragraph (1), then the Secretary may approve the
17 appraisals.

18 (3) TREATMENT OF EXCESS CONSIDERATION.—
19 Should the appraisal determine a difference in val-
20 ues between the properties exchanged, in favor of
21 the government, excess value donated to the United
22 States will not be deemed a donation for tax pur-
23 poses. Donation of non-Federal land may exceed 25
24 percent of the value of the Federal land.

1 (d) EQUAL VALUE EXCHANGE.—The values of the
2 land to be exchanged under this section shall be deter-
3 mined pursuant to an appraisal acceptable to the Sec-
4 retary of Agriculture, the County and Mt. Hood Meadows
5 Oreg., Limited Partnership. If the values are not equal,
6 they shall be equalized in the manner provided in section
7 206(b) of the Federal Land Policy and Management Act
8 of 1976 (43 U.S.C. 1716(b)).

9 (e) COMPLIANCE WITH EXISTING LAW.—Except as
10 otherwise provided in this section, the Secretary shall
11 carry out the land exchange under this section in the man-
12 ner provided in section 206 of the Federal Land Policy
13 Management Act of 1976 (43 U.S.C. 1716).

14 (f) CONDITIONS ON ACCEPTANCE.—Title to the non-
15 Federal land to be acquired by the Secretary of Agri-
16 culture under this section must be acceptable to the Sec-
17 retary, and the conveyances shall be subject to valid exist-
18 ing rights of record. The non-Federal land shall conform
19 with the title approval standards applicable to Federal
20 land acquisitions.

21 (g) LEGAL DESCRIPTIONS.—The exact acreage and
22 legal description of the land to be exchanged under this
23 section shall be determined by surveys satisfactory to the
24 Secretary of Agriculture. The costs of any such survey,
25 as well as other administrative costs incurred to execute

1 the land exchange, shall be negotiated between the Sec-
2 retary and the County.

3 (h) EXISTING RIGHTS.—The conveyance of Federal
4 land under this section shall be subject to valid existing
5 rights of third parties. In the alternative, the Secretary
6 of Agriculture may grant substitute permit rights of equiv-
7 alent utility to use other Federal land.

8 (i) COMPLETION OF LAND EXCHANGE.—The Sec-
9 retary of Agriculture shall complete all legal and regu-
10 latory processes required in connection with the land ex-
11 change under this section and complete the closing of the
12 land exchange not later than 16 months after the date
13 of the enactment of this Act.

14 (j) RETAINED CONSERVATION AND TRAIL EASE-
15 MENTS.—In conjunction with the conveyance of title to
16 Mt. Hood Meadows, the Secretary of Agriculture shall re-
17 serve a Conservation Easement to protect existing wet-
18 lands on the conveyed parcels, as determined by the Or-
19 egon Department of State Lands. Alternative equivalent
20 wetland mitigation measures shall be allowed to com-
21 pensate for minor wetland encroachments necessary for
22 the orderly development of the parcels. In addition, the
23 Secretary of Agriculture shall reserve a Trail Easement
24 which allows the non-motorized functional use by the pub-
25 lic of identified existing trails located on the conveyed par-

1 cels as depicted on the map entitled “Government Camp
 2 Trail Map” and dated September 2006 as such trails may
 3 be improved or relocated to accommodate development of
 4 the property. The Trail Easement shall provide that roads,
 5 utilities and infrastructure facilities may cross such trails.

6 **Subtitle B—Other Land Exchanges**

7 **SEC. 511. LAND EXCHANGE, PORT OF CASCADE LOCKS-PA-** 8 **CIFIC CREST NATIONAL SCENIC TRAIL.**

9 (a) CONVEYANCE REQUIRED.—The Secretary of Ag-
 10 riculture shall convey to the Port of Cascade Locks, Cas-
 11 cade Locks, Oregon (in this section referred to as the
 12 “Port”), all right, title, and interest of the United States
 13 in and to a parcel of National Forest System land in the
 14 Columbia River Gorge National Scenic Area consisting of
 15 approximately 10 acres, as depicted on the map entitled
 16 “Port of Cascade Locks-Pacific Crest National Scenic
 17 Trail Land Exchange” and dated June 2006.

18 (b) CONSIDERATION.—As consideration for the con-
 19 veyance under subsection (a), the Port shall convey to the
 20 United States all right, title, and interest of the Port in
 21 and to a parcel of land consisting of approximately 40
 22 acres, as depicted on the map referred to in subsection
 23 (a). The acquisition of this land will ensure the continued
 24 integrity of the Pacific Crest National Scenic Trail in the

1 vicinity of Cascade Locks and the public's ability to access
2 the north Oregon entrance of the trail.

3 (c) EQUAL VALUE EXCHANGE.—The values of the
4 land to be exchanged under this section shall be deter-
5 mined pursuant to an appraisal acceptable to the Sec-
6 retary of Agriculture and the Port. If the values are not
7 equal, they shall be equalized in the manner provided in
8 section 206(b) of the Federal Land Policy and Manage-
9 ment Act of 1976 (43 U.S.C. 1716(b)).

10 (d) COMPLIANCE WITH EXISTING LAW.—Except as
11 otherwise provided in this section, the Secretary shall
12 carry out the land exchange under this section in the man-
13 ner provided in section 206 of the Federal Land Policy
14 Management Act of 1976 (43 U.S.C. 1716).

15 (e) CONDITIONS ON ACCEPTANCE.—Title to the non-
16 Federal land to be acquired by the Secretary of Agri-
17 culture under this section must be acceptable to the Sec-
18 retary, and the conveyances shall be subject to valid exist-
19 ing rights of record. The non-Federal land shall conform
20 with the title approval standards applicable to Federal
21 land acquisitions.

22 (f) LEGAL DESCRIPTIONS.—The exact acreage and
23 legal description of the land to be exchanged under this
24 section shall be determined by surveys satisfactory to the
25 Secretary of Agriculture. The costs of such survey, as well

1 as other administrative costs incurred to execute the land
2 exchange, shall be negotiated between the Secretary and
3 the Port.

4 (g) EXISTING RIGHTS.—The conveyance of Federal
5 land under this section shall be subject to valid existing
6 rights of third parties. In the alternative, the Secretary
7 of Agriculture may grant substitute permit rights of equiv-
8 alent utility to use other Federal land.

9 (h) COMPLETION OF LAND EXCHANGE.—The Sec-
10 retary of Agriculture shall complete all legal and regu-
11 latory processes required in connection with the convey-
12 ances under this section and complete the closing of the
13 conveyances within 16 months after the date of the enact-
14 ment of this Act.

15 **SEC. 512. HUNCHBACK MOUNTAIN LAND EXCHANGE,**
16 **CLACKAMAS COUNTY.**

17 (a) CONVEYANCE REQUIRED.—The Secretary of Ag-
18 riculture shall convey to Clackamas County, Oregon (in
19 this section referred to as the “County”), all right, title,
20 and interest of the United States in and to a parcel of
21 National Forest System land in the Mount Hood National
22 Forest consisting of approximately 160 acres, as depicted
23 on the map entitled “Hunchback Mountain Land Ex-
24 change-Clackamas County” and dated June 2006.

1 (b) CONSIDERATION.—As consideration for the con-
2 veyance under subsection (a), the County shall convey to
3 the United States all right, title, and interest of the Coun-
4 ty in and to a parcel of land consisting of approximately
5 160 acres, as depicted on the map referred to in sub-
6 section (a). The acquisition of this parcel will ensure the
7 continued integrity of the forested land, a substantial por-
8 tion of which exceeds 120 years in age, and the public's
9 access to the parcel.

10 (c) EQUAL VALUE EXCHANGE.—The values of the
11 land to be exchanged under this section shall be deter-
12 mined pursuant to an appraisal acceptable to the Sec-
13 retary of Agriculture and the County. If the values are
14 not equal, they shall be equalized in the manner provided
15 in section 206(b) of the Federal Land Policy and Manage-
16 ment Act of 1976 (43 U.S.C. 1716(b)).

17 (d) COMPLIANCE WITH EXISTING LAW.—Except as
18 otherwise provided in this section, the Secretary shall
19 carry out the land exchange under this section in the man-
20 ner provided in section 206 of the Federal Land Policy
21 Management Act of 1976 (43 U.S.C. 1716).

22 (e) CONDITIONS ON ACCEPTANCE.—Title to the non-
23 Federal land to be acquired by the Secretary of Agri-
24 culture under this section must be acceptable to the Sec-
25 retary, and the conveyances shall be subject to valid exist-

1 ing rights of record. The non-Federal land shall conform
2 with the title approval standards applicable to Federal
3 land acquisitions.

4 (f) LEGAL DESCRIPTIONS.—The exact acreage and
5 legal description of the land to be exchanged under this
6 section shall be determined by surveys satisfactory to the
7 Secretary of Agriculture. The costs of any such survey,
8 as well as other administrative costs incurred to execute
9 the land exchange, shall be negotiated between the Sec-
10 retary and the County.

11 (g) EXISTING RIGHTS.—The conveyance of Federal
12 land under this section shall be subject to valid existing
13 rights of third parties. In the alternative, the Secretary
14 of Agriculture may grant substitute permit rights of equiv-
15 alent utility to use other Federal land.

16 (h) COMPLETION OF LAND EXCHANGE.—The Sec-
17 retary of Agriculture shall complete all legal and regu-
18 latory processes required in connection with the land ex-
19 change under this section and complete the closing of the
20 land exchange not later than 16 months after the date
21 of the enactment of this Act.

1 **TITLE VI—MOUNT HOOD NA-**
2 **TIONAL FOREST AND WATER-**
3 **SHED STEWARDSHIP**

4 **SEC. 601. FINDINGS AND PURPOSE.**

5 The purpose of this title is to direct the Forest Serv-
6 ice to prepare an assessment to promote forested land-
7 scapes resilient to catastrophic fire, insects, and disease,
8 to protect homes and communities from property damage
9 and threats to public safety, and to protect and enhance
10 existing community or municipal watersheds. It is the in-
11 tent of Congress that site-specific forest health projects
12 undertaken pursuant to this assessment shall be com-
13 pleted in accordance with existing law.

14 **SEC. 602. FOREST STEWARDSHIP ASSESSMENT.**

15 (a) PREPARATION OF ASSESSMENT.—The Secretary
16 of Agriculture shall prepare an assessment to identify the
17 forest health needs in those areas of the Mount Hood Na-
18 tional Forest with a high incidence of insect or disease
19 infestation (or both), heavily overstocked tree stands, or
20 moderate-to-high risk of unnatural catastrophic wildfire
21 for the purpose of improving condition class, which signifi-
22 cantly improves the forest health and water quality. The
23 Secretary may utilize existing information to complete the
24 assessment. The assessment shall also identify specific
25 projects to address these issues.

1 (b) IMPROVED MAPPING.—The assessment will in-
2 clude peer reviewed mapping of condition class 2 and con-
3 dition class 3 areas and other areas identified in sub-
4 section (a) in Mount Hood National Forest.

5 (c) COMPLETION.—The Secretary of Agriculture
6 shall complete the assessment not later than 1 year after
7 the date of enactment of this Act.

8 (d) DURATION OF STUDY.—The assessment shall
9 cover a 10-year period.

10 (e) IMPLEMENTATION.—Not later than 1 year after
11 completion of the assessment, the Secretary shall com-
12 mence implementation of projects to address the needs
13 identified in the assessment. These projects shall be imple-
14 mented using authorities available to the Secretary to
15 manage the Mount Hood National Forest to achieve the
16 purpose specified in subsection (a).

17 (f) DELAY.—During development of the assessment
18 under this section, a forest management project that is
19 unaffiliated with the assessment and has completed review
20 as required under the National Environmental Policy Act
21 of 1969 (42 U.S.C. 4321 et seq.) in accordance with exist-
22 ing law, need not be delayed in the event the Secretary
23 fails to meet the deadline specified in subsection (c).

24 (g) RELATION TO EXISTING LAW AND PLANS.—
25 Nothing in this section grants the Secretary any authority

1 to manage the Mount Hood National Forest contrary to
 2 existing law. The assessment conducted by the Secretary
 3 under this section shall not supersede, be considered a
 4 supplement or amendment to, or in any way affect the
 5 legal or regulatory authority of the Mount Hood National
 6 Forest Land and Resource Management Plan or the col-
 7 lection of documents entitled “Final Supplemental Envi-
 8 ronmental Impact Statement and Record of Decision for
 9 Amendments to Forest Service and Bureau of Land Man-
 10 agement Planning Documents Within the Range of the
 11 Northern Spotted Owl” and “Standards and Guidelines
 12 for Management of Habitat for Late-Successional and
 13 Old-Growth Forest-Related Species Within the Range of
 14 the Northern Spotted Owl”.

15 (h) PUBLIC PARTICIPATION.—The Secretary shall
 16 provide an opportunity for interested persons to be in-
 17 volved in development of the assessment conducted by the
 18 Secretary under this section.

19 **SEC. 603. SUSTAINABLE BIOMASS UTILIZATION STUDY.**

20 (a) STUDY REQUIRED.—The Secretary of Agriculture
 21 shall conduct a study to assess the amount of long-term
 22 sustainable biomass available in the Mount Hood National
 23 Forest that, consistent with applicable law, could be made
 24 available as a raw material for—

1 (1) the production of electric energy, sensible
2 heat, transportation fuel, or substitutes for petro-
3 leum-based products;

4 (2) dimensional lumber, fencing, framing mate-
5 rial, poles, firewood, furniture, chips, or pulp for
6 paper; or

7 (3) other commercial purposes.

8 (b) DEFINITION.—In this section, the term “bio-
9 mass” means small diameter trees and understory vegeta-
10 tion that is removed from forested land as a by-product
11 of forest restoration efforts.

12 **SEC. 604. WATERSHED MANAGEMENT MEMORANDA OF UN-**
13 **DERSTANDING.**

14 (a) COMPLETION OF MEMORANDA OF UNDER-
15 STANDING.—To the extent that memoranda of under-
16 standing or other legal agreements involving watersheds
17 of Mount Hood National Forest do not exist between irri-
18 gation districts or municipalities and the Forest Service,
19 the Secretary of Agriculture may complete memoranda of
20 understanding that outline stewardship goals to manage
21 the watersheds for water quality and water quantity.

22 (b) ELEMENTS OF MEMORANDUM.—A memorandum
23 of understanding involving a watershed of Mount Hood
24 National Forest shall encourage adaptability, establish
25 benchmarks regarding water quality and water quantity,

1 and require monitoring to determine progress in meeting
2 such benchmarks. The memorandum of understanding
3 may restrict public access to areas of the watershed where
4 appropriate.

5 (c) PUBLIC PROCESS REQUIRED.—

6 (1) COLLABORATION AND CONSULTATION.—

7 The Secretary of Agriculture shall ensure that the
8 process by which the Secretary enters into a memo-
9 randum of understanding with an irrigation district,
10 local government, or other entity involving a water-
11 shed of Mount Hood National Forest is based on
12 collaboration and cooperation between the Forest
13 Service and local jurisdictions and other interested
14 persons.

15 (2) PUBLIC MEETING REQUIRED.—The Sec-
16 retary and the other party or parties to the proposed
17 memorandum of understanding shall hold at least 1
18 joint public meeting before completing a final draft
19 of the memorandum of understanding.

20 (3) PUBLIC COMMENT.—A draft memorandum
21 of understanding shall also be open to public com-
22 ment before being finalized.

1 **SEC. 605. TERMINATION OF AUTHORITY.**

2 The authority provided by this title shall terminate
3 on the date that is 10 years after the date of enactment
4 of this Act.

5 **TITLE VII—CRYSTAL SPRINGS**
6 **WATERSHED SPECIAL RE-**
7 **SOURCES MANAGEMENT UNIT**

8 **SEC. 701. FINDINGS AND PURPOSE.**

9 The purpose of this title is to establish a special re-
10 sources management unit to ensure protection of the qual-
11 ity and quantity of the Crystal Springs watershed as a
12 clean drinking water source for the residents of Hood
13 River County, Oregon, while also allowing visitors to enjoy
14 its special scenic, natural, cultural, and wildlife values.

15 **SEC. 702. ESTABLISHMENT OF CRYSTAL SPRINGS WATER-**
16 **SHED SPECIAL RESOURCES MANAGEMENT**
17 **UNIT.**

18 (a) ESTABLISHMENT.—Effective as provided by sec-
19 tion 705, the Secretary of Agriculture shall establish a
20 special resources management unit in the State consisting
21 of all National Forest System land that is located within
22 200 yards from any point on the perimeter of the Crystal
23 Springs Zone of Contribution, as determined by the Crys-
24 tal Springs Water District, and other National Forest Sys-
25 tem land in and around the Inn at Cooper Spur and the
26 Cooper Spur Ski Area, as depicted on the map entitled

1 “Crystal Springs Watershed Special Resources Manage-
2 ment Unit” and dated June 2006 (in this subtitle referred
3 to as the “official map”).

4 (b) DESIGNATION.—The special resources manage-
5 ment unit established pursuant to subsection (a) shall be
6 known as the Crystal Springs Watershed Special Re-
7 sources Management Unit, in this title referred to as the
8 “Management Unit”.

9 (c) EXCLUSION OF CERTAIN LAND.—The Manage-
10 ment Unit does not include any National Forest System
11 land otherwise covered by subsection (a) that is designated
12 as wilderness by title I.

13 (d) WITHDRAWAL.—Subject to valid existing rights,
14 National Forest System land included in the Management
15 Unit are permanently withdrawn from all forms of appro-
16 priation under the public land laws, including the mining
17 laws and mineral and geothermal leasing laws.

18 (e) MAPS AND LEGAL DESCRIPTION.—

19 (1) SUBMISSION OF LEGAL DESCRIPTIONS.—As
20 soon as practicable after the effective date specified
21 in section 705, the Secretary shall prepare and sub-
22 mit to Congress a legal description of the Manage-
23 ment Unit.

24 (2) FORCE OF LAW.—The map referred to in
25 subsection (a) and the legal descriptions prepared

1 under paragraph (1) shall have the same force and
2 effect as if included in this Act, except that the Sec-
3 retary may correct technical errors in the map and
4 legal descriptions. The map of the Crystal Springs
5 Zone of Contribution is incorporated in this Act to
6 delineate the boundaries of the Management Unit,
7 and the delineation of these boundaries is not in-
8 tended to affect the specific uses that may occur on
9 private land within the boundaries of the Manage-
10 ment Unit.

11 (3) PUBLIC AVAILABILITY.—The map referred
12 to in subsection (a) and the legal descriptions pre-
13 pared under paragraph (1) shall be filed and made
14 available for public inspection in the appropriate of-
15 fices of the Forest Service.

16 **SEC. 703. ADMINISTRATION OF MANAGEMENT UNIT.**

17 (a) GENERAL APPLICABILITY OF EXISTING LAWS.—
18 Except as provided in this title, all other laws and regula-
19 tions affecting National Forest System lands shall con-
20 tinue to apply to the National Forest System lands in-
21 cluded in the Management Unit.

22 (b) AUTHORIZED ACTIVITIES.—

23 (1) PROCESS FOR ALLOWING ACTIVITIES.—
24 Only activities described in this subsection may
25 occur in the Management Unit, and the Secretary of

1 Agriculture may permit an activity described in this
2 subsection to occur in the Management Unit only
3 after the Secretary—

4 (A) obtains the review and opinions of the
5 Crystal Springs Water District regarding the
6 effect of the activity on the purposes of the
7 Management Unit;

8 (B) complies with all applicable Federal
9 law regarding development and implementation
10 of the activity; and

11 (C) when appropriate, provides to the gen-
12 eral public advance notice of the activity, an op-
13 portunity to comment on the activity, and ap-
14 peal rights regarding the activity.

15 (2) RECREATION.—The Secretary may—

16 (A) continue to maintain recreational op-
17 portunities and trails, in existence in the Man-
18 agement Unit as of the effective date specified
19 in section 705, within their existing and historic
20 footprints or at an alternative location; and

21 (B) develop new footpaths or cross-county
22 skiing trails in the Management Unit.

23 (3) LEASE OF CERTAIN IMPROVEMENTS.—The
24 Secretary may lease improvements and facilities, in
25 existence in the Management Unit as of the effective

1 date specified in section 705, within their existing
2 and designated footprints to 1 or more conces-
3 sionaires.

4 (4) ROAD MAINTENANCE.—Subject to sub-
5 section (d), the Secretary may maintain National
6 Forest System roads, in existence in the Manage-
7 ment Unit as of the effective date specified in sec-
8 tion 705 or as directed by the management plan re-
9 quired by subsection (d). Maintenance may include
10 the installation of culverts and drainage improve-
11 ments and other similar activities.

12 (5) FUEL REDUCTION IN PROXIMITY TO IM-
13 PROVEMENTS AND PRIMARY PUBLIC ROADS.—To
14 protect the water quality, water quantity, scenic, cul-
15 tural, historic, natural, and wildlife values of the
16 Management Unit, the Secretary may permit fuel re-
17 duction on National Forest System land in the Man-
18 agement Unit—

19 (A) extending up to 400 feet from struc-
20 tures on National Forest System land or struc-
21 tures on adjacent private land; and

22 (B) extending up to 400 feet from the Coo-
23 per Spur Road, the Cloud Cap Road, and the
24 Cooper Spur ski area loop road.

1 (6) OTHER FUEL REDUCTION AND FOREST
2 HEALTH ACTIVITIES.—The Secretary may conduct
3 fuel reduction and forest health management activi-
4 ties in the Management Unit, with priority given to
5 activities that restore previously harvested stands,
6 including the removal of logging slash, smaller di-
7 ameter material, and ladder fuels. The purpose of
8 any fire risk reduction or forest health management
9 activity conducted in the Management Unit shall be
10 the maintenance and restoration of fire-resilient for-
11 est structures containing late successional forest
12 structure characterized by large trees and multi-sto-
13 ried canopies (where ecologically appropriate) and
14 the protection of the water quality, water quantity,
15 scenic, cultural, historic, natural, and wildlife values
16 of the Management Unit.

17 (c) SPECIFICALLY PROHIBITED ACTIVITIES.—The
18 following activities may not occur on National Forest Sys-
19 tem land in the Management Unit, whether separately or,
20 except as provided in paragraph (2), as part of an activity
21 authorized by subsection (b):

22 (1) New road construction or renovation of ex-
23 isting non-System roads.

24 (2) Projects undertaken for the purpose of har-
25 vesting commercial timber. The harvest of merchant-

1 able products that are by-products of activities con-
2 ducted pursuant to subsection (b)(6) and carried out
3 pursuant to a stewardship contract are not prohib-
4 ited by this subsection.

5 (3) Commercial livestock grazing.

6 (4) The placement or maintenance of fuel stor-
7 age tanks.

8 (5) The application of any toxic chemicals, in-
9 cluding pesticides, rodenticides, herbicides, or
10 retardants, for any purpose, except with the consent
11 of the Crystal Springs Water District.

12 (d) MANAGEMENT PLAN.—

13 (1) PLAN REQUIRED.—Within 9 months after
14 the effective date specified in section 605, the Sec-
15 retary of Agriculture shall adopt a management plan
16 for the Management Unit that, while providing for
17 the limited activities specifically authorized by sub-
18 section (b), protects the watershed from illegal
19 dumping, human waste, fires, vandalism, and other
20 risks to water quality.

21 (2) CONSULTATION AND PUBLIC PARTICIPA-
22 TION.—The Secretary shall prepare the management
23 plan in consultation with the Crystal Springs Water
24 District, the Cooper Spur Wild and Free Coalition,

1 and Hood River County and provide for public par-
2 ticipation as described in subsection (b)(1)(C).

3 (e) FOREST ROAD CLOSURES.—As part of the man-
4 agement plan required by subsection (d), the Secretary of
5 Agriculture may provide for the closure or gating to the
6 general public of any Forest Service road within the Man-
7 agement Unit, except for the road commonly known as
8 Cloud Cap Road.

9 (f) PRIVATE LAND.—Nothing in this section affects
10 the use of, or access to, any private property within the
11 Crystal Springs Zone of Contribution by the owners of the
12 private property and their guests. The Secretary is encour-
13 aged to work with interested private landowners who have
14 voluntarily agreed to cooperate with the Secretary to fur-
15 ther the purposes of this title.

16 (g) RELATIONSHIP WITH WATER DISTRICT.—Except
17 as provided in this section, the Crystal Springs Water Dis-
18 trict has no authorities over management or use of Na-
19 tional Forest System land included in the Management
20 Unit.

21 **SEC. 704. ACQUISITION OF LANDS.**

22 (a) ACQUISITION AUTHORITY.—The Secretary of Ag-
23 riculture may acquire from willing landowners any lands
24 located in the Crystal Springs Zone of Contribution within
25 the boundaries of Mount Hood National Forest. Lands so

1 acquired shall automatically be added to the Management
2 Unit.

3 (b) PROHIBITION ON SUBSEQUENT CONVEYANCE.—

4 The Secretary may not sell, trade, or otherwise transfer
5 ownership of any land within the Management Unit, in-
6 cluding any of the land acquired under subsection (a) or
7 received by the Secretary as part of the Cooper Spur-Gov-
8 ernment Camp land exchange authorized by subtitle A of
9 title VIII and included within the Management Unit, to
10 any person.

11 **SEC. 705. EFFECTIVE DATE.**

12 The Secretary of Agriculture shall establish the Man-
13 agement Unit as soon as practicable after the final closing
14 of the Cooper Spur-Government Camp land exchange au-
15 thorized by subtitle A of title VIII, but in no case later
16 than 30 days after the date of the final closing of such
17 land exchange. The Management Unit may not be estab-
18 lished before final closing of the land exchange.

19 **TITLE VIII—LOCAL AND TRIBAL** 20 **RELATIONSHIPS**

21 **SEC. 801. FINDINGS AND PURPOSE.**

22 The purpose of this title is to recognize and support
23 the ability of Native Americans to continue to gather first
24 foods in the Mount Hood National Forest using tradi-
25 tional methods and the central role of the State and local

1 governments in management of issues dealing with natural
2 and developed environments in the vicinity of the national
3 forest.

4 **SEC. 802. FIRST FOODS GATHERING AREAS.**

5 (a) PRIORITY USE AREAS.—The Secretary of Agri-
6 culture shall identify, establish, develop, and manage pri-
7 ority-use areas in Mount Hood National Forest for the
8 gathering of first foods by members of Indian tribes with
9 treaty-reserved gathering rights on lands encompassed by
10 the national forest. The priority-use areas shall be identi-
11 fied, established, developed, and managed in a manner
12 consistent with the memorandum of understanding en-
13 tered into between the Department of Agriculture, the Bu-
14 reau of Land Management, the Bureau of Indian Affairs,
15 and the Confederated Tribes of the Warm Springs Res-
16 ervation of Oregon (in this section referred to as the
17 “Warm Springs Tribe”) and dated April 23, 2003, and
18 such further agreements as are necessary between the Sec-
19 retary of Agriculture and the Warm Springs Tribe to
20 carry out the purposes of this section.

21 (b) PRIORITY USE.—Members of Indian tribes with
22 treaty-reserved gathering rights on lands encompassed by
23 Mount Hood National Forest shall have exclusive rights
24 to gather first foods in the priority-use areas established
25 pursuant to subsection (a).

1 (c) APPLICABLE LAW.—In considering and selecting
 2 National Forest System land for inclusion in a priority-
 3 use area under subsection (a), the Secretary of Agriculture
 4 shall comply with the land and resource management plan
 5 for Mount Hood National Forest and applicable laws.

6 (d) DEFINITION.—In this section, the term “first
 7 foods” means roots, berries, and plants on National For-
 8 est System land in Mount Hood National Forest that have
 9 been gathered for traditional and cultural purposes by
 10 members of Indian tribes with treaty-reserved gathering
 11 rights on lands encompassed by Mount Hood National
 12 Forest.

13 **SEC. 803. FOREST SERVICE COORDINATION WITH STATE**
 14 **AND LOCAL GOVERNMENTS.**

15 Congress encourages the Secretary of Agriculture to
 16 cooperate with the State, local communities, counties, and
 17 Indian tribes in the vicinity of Mount Hood National For-
 18 est, and the heads of other Federal agencies to identify
 19 common ground, coordinate planning efforts around the
 20 national forest, and make the Federal Government a bet-
 21 ter partner in building cooperative and lasting solutions
 22 for management of Mount Hood National Forest and non-
 23 Federal land in the vicinity of the national forest.

1 **SEC. 804. SAVINGS PROVISIONS REGARDING RELATIONS**
2 **WITH INDIAN TRIBES.**

3 (a) TREATY RIGHTS.—Nothing in this Act is in-
4 tended to alter, modify, enlarge, diminish, or extinguish
5 the treaty rights of any Indian tribe, including the off-
6 reservation reserved rights established by the Treaty of
7 June 25, 1855, with the Tribes and Bands of Middle Or-
8 egon (12 Stat. 963). Section 702 is consistent with and
9 intended to implement the gathering rights reserved by
10 such treaty.

11 (b) TRIBAL LANDS.—Nothing in this Act is intended
12 to affect lands held in trust by the Secretary of the Inte-
13 rior for Indian tribes or individual members of Indian
14 tribes or other lands acquired by the Army Corps of Engi-
15 neers and administered by the Secretary of the Interior
16 for the benefit of Indian tribes and individual members
17 of Indian tribes.

18 (c) HUNTING AND FISHING.—Nothing in this Act is
19 intended to affect the laws, rules, and regulations per-
20 taining to hunting and fishing under existing State and
21 Federal laws and Indian treaties.

22 **SEC. 805. IMPROVED NATURAL DISASTER PREPAREDNESS.**

23 (a) IMPOSITION OF STANDARDS.—New development
24 occurring on land conveyed by the Secretary of Agriculture
25 under title V or undertaken or otherwise permitted by the
26 Secretary of Agriculture on National Forest System land

1 in Mount Hood National Forest after the date of the en-
2 actment of this Act shall be constructed or altered in com-
3 pliance with 1 of the nationally recognized model building
4 codes or wildland-urban interface codes and with other ap-
5 plicable nationally recognized codes.

6 (b) INCLUSION OF STANDARDS IN LAND CONVEY-
7 ANCES.—In the case of each of the land conveyances de-
8 scribed in title V, the Secretary shall impose the require-
9 ments of subsection (a) as a condition on the conveyance
10 of the Federal land under the conveyance.

11 (c) EFFECT ON STATE AND LOCAL LAW.—To the
12 maximum extent feasible, the codes imposed pursuant to
13 subsection (a) shall be consistent with the nationally rec-
14 ognized codes adopted by the State or political subdivi-
15 sions of the State. This section shall not be construed to
16 limit the power of the State or a political subdivision of
17 the State to implement or enforce any law, rule, regula-
18 tion, or standard concerning fire prevention and control.

19 (d) ENFORCEMENT.—The codes imposed pursuant to
20 subsection (a) may be enforced by the same entities other-
21 wise enforcing building codes regarding new development
22 occurring on land conveyed by the Secretary of Agriculture
23 under title V.

TITLE IX—RECREATION

SEC. 901. FINDINGS AND PURPOSE.

The purpose of this title is to recognize and support recreation as a dynamic social and economic component of the legacy and future of the Mount Hood National Forest.

SEC. 902. RETENTION OF MOUNT HOOD NATIONAL FOREST LAND USE FEES FROM SPECIAL USE AUTHORIZATIONS.

(a) SPECIAL ACCOUNT.—The Secretary of the Treasury shall establish a special account in the Treasury for Mount Hood National Forest.

(b) DEPOSITS.—Except as provided in section 7 of the Act of April 24, 1950 (commonly known as the Granger-Thye Act; 16 U.S.C. 580d), the National Forest Organizational Camp Fee Improvement Act of 2003 (title V of division F of Public Law 108–107; 16 U.S.C. 6231 et seq.), Public Law 106–206 (commonly known as the Commercial Filming Act; 16 U.S.C. 460l–d), and the Federal Lands Recreation Enhancement Act (title VIII of division J of Public Law 108–477; 16 U.S.C. 6801 et seq.), all land use fees received after the date which is 6 months after the date of enactment of this Act from special use authorizations, such as recreation residences, resorts, winter recreation resorts, communication uses, and linear

1 rights-of-way, and all other special use types issued with
 2 regard to Mount Hood National Forest shall be deposited
 3 in the special account established under subsection (a).

4 (c) AVAILABILITY.—Subject to subsection (d),
 5 amounts in the special account established under sub-
 6 section (a) shall remain available, without further appro-
 7 priation and until expended, for expenditure as provided
 8 in section 903. Upon request of the Secretary of Agri-
 9 culture, the Secretary of the Treasury shall transfer to
 10 the Secretary of Agriculture from the special account such
 11 funds as the Secretary of Agriculture may request. The
 12 Secretary shall accept and use the funds in accordance
 13 with section 903.

14 (d) TERMINATION OF SPECIAL ACCOUNT.—The spe-
 15 cial account required by subsection (a) shall terminate at
 16 the end of the 10-year period beginning on the date of
 17 enactment of this Act. Any amounts remaining in the spe-
 18 cial account at the end of such period shall be transferred
 19 to the general fund of the Treasury.

20 **SEC. 903. USE OF FUNDS IN SPECIAL ACCOUNT TO SUP-**
 21 **PORT RECREATION.**

22 (a) AUTHORIZED USES.—The Secretary of Agri-
 23 culture shall use funds received from the special account
 24 under section 902(c) for the following purposes related to
 25 Mount Hood National Forest:

1 (1) Installation, repair, maintenance, and facil-
2 ity enhancement related directly to visitor enjoy-
3 ment, visitor access, and health and safety, such
4 as—

5 (A) the improvement and maintenance of
6 trails, including trails used for hiking, biking,
7 snowmobiling, horseback riding, cross-country
8 skiing, and off-highway vehicles;

9 (B) water system improvements; and

10 (C) personal sanitation facilities improve-
11 ments.

12 (2) Interpretive programs, visitor information,
13 visitor services, visitor needs assessments, mapping,
14 signage, Leave-No-Trace materials, and wilderness
15 rangers.

16 (3) Habitat restoration directly related to recre-
17 ation.

18 (4) Cooperative environmental restoration
19 projects with non-Federal partnership groups and
20 associations, including groups and associations that
21 work with youth.

22 (5) Law enforcement and rescue and recovery
23 efforts related to public use and recreation, such as
24 law enforcement at recreation events, search and

1 rescue operations, illegal recreation activities inves-
2 tigations, and enforcement.

3 (6) Improving administration of special use au-
4 thorizations.

5 (7) Preparation of documents required under
6 the National Environmental Policy Act of 1969 (42
7 U.S.C. 4321 et seq.) in connection with the improve-
8 ment or development of recreational opportunities.

9 (8) Other projects or partnerships rec-
10 ommended by the Mount Hood National Forest
11 Recreation Working Group established by section
12 905.

13 (b) ALLOCATION REQUIREMENTS.—Of the total
14 funds received by the Secretary of Agriculture from the
15 special account under section 902(c) for a fiscal year, the
16 Secretary shall allocate the funds as follows:

17 (1) 95 percent of the funds to Mount Hood Na-
18 tional Forest.

19 (2) 5 percent of the funds to the Regional Of-
20 fice for the Pacific Northwest Region of the Forest
21 Service to develop needed policy and training to sup-
22 port programs in wilderness areas, special uses,
23 trails, developed and dispersed recreation, and inter-
24 pretation related to Mount Hood National Forest.

1 **SEC. 904. ANNUAL REPORTING REQUIREMENT.**

2 The Secretary of Agriculture shall submit to Con-
3 gress an annual report specifying—

4 (1) the total funds received by the Secretary
5 from the special account under section 902(c) for
6 the preceding fiscal year;

7 (2) how the funds were allocated and expended;
8 and

9 (3) the results from such expenditures.

10 **SEC. 905. MOUNT HOOD NATIONAL FOREST RECREATIONAL**
11 **WORKING GROUP.**

12 (a) ESTABLISHMENT AND PURPOSE.—The Secretary
13 of Agriculture shall establish the Mount Hood National
14 Forest Recreational Working Group for the purpose of
15 providing advice and recommendations to the Forest Serv-
16 ice on planning and implementing recreation enhance-
17 ments in Mount Hood National Forest, including advice
18 and recommendations regarding how the funds in the spe-
19 cial account established under section 902 should be re-
20 quested and expended.

21 (b) DUTIES.—The Working Group shall—

22 (1) review projects proposed by the Secretary
23 for Mount Hood National Forest under section
24 903(a);

25 (2) propose projects under section 903(a) to the
26 Secretary;

1 (3) recommend the amount of funds from the
2 special account established under section 902 to be
3 used to fund projects under section 903; and

4 (4) provide opportunities for citizens, organiza-
5 tions, Indian tribes, the Forest Service, and other
6 interested parties to participate openly and meaning-
7 fully, beginning at the early stages of the develop-
8 ment of projects under section 903(a).

9 (c) APPOINTMENT.—

10 (1) APPOINTMENT AND TERM.—The Regional
11 Forester, acting on behalf of the Secretary of Agri-
12 culture, shall appoint the members of the Working
13 Group for a term of 3 years beginning on the date
14 of appointment. A member may be reappointed to
15 subsequent 3-year terms.

16 (2) INITIAL APPOINTMENT.—The Regional For-
17 ester shall make initial appointments to the Working
18 Group not later than 180 days after the date of en-
19 actment of this Act.

20 (3) VACANCIES.—The Regional Forester shall
21 make appointments to fill vacancies on the Working
22 Group as soon as practicable after the vacancy has
23 occurred.

1 (4) COMPENSATION.—Members of the Working
2 Group shall not receive any compensation for their
3 service on the Working Group.

4 (5) NOMINATIONS.—The State and county gov-
5 ernments for each county directly adjacent to or con-
6 taining any portion of Mount Hood National Forest
7 may submit a nomination to the Regional Forester
8 for each activity or interest group category described
9 in subsection (d).

10 (6) BROAD AND BALANCED REPRESENTA-
11 TION.—In appointing the members of the Working
12 Group, the Regional Forester shall provide for a bal-
13 anced and broad representation from the recreation
14 community.

15 (d) COMPOSITION OF WORKING GROUP.—The Work-
16 ing Group shall be composed of 15 members, selected so
17 that the following activities and interest groups are rep-
18 resented:

19 (1) Summer non-mechanized recreation, such as
20 hiking.

21 (2) Winter non-motorized recreation, such as
22 snowshoeing and backcountry skiing.

23 (3) Mountain biking.

24 (4) Hunting and fishing.

1 (5) Summer motorized recreation, such as off-
2 highway vehicle use.

3 (6) Local environmental groups.

4 (7) Winter motorized recreation, such as
5 snowmobiling.

6 (8) Permitted ski areas.

7 (9) Forest products industry.

8 (10) Affected Indian tribes.

9 (11) Local holder of a recreation residence per-
10 mit.

11 (12) Local government interests, such as a
12 county commissioner or city mayor in an elected po-
13 sition representing a county or city directly adjacent
14 or containing any portion of Mount Hood National
15 Forest.

16 (13) A resident of Government Camp.

17 (14) The State.

18 (15) Operators of campground facilities open to
19 the general public.

20 (e) CHAIRPERSON.—The chairperson of the Working
21 Group shall be selected by a majority of the Working
22 Group.

23 (f) OTHER WORKING GROUP AUTHORITIES AND RE-
24 QUIREMENTS.—

1 (1) STAFF ASSISTANCE.—The Secretary of Ag-
 2 riculture shall provide staff assistance to the Work-
 3 ing Group from Federal employees under the juris-
 4 diction of the Secretary.

5 (2) MEETINGS.—All meetings of the Working
 6 Group shall be announced at least 1 week in advance
 7 in a local newspaper of record and shall be open to
 8 the public.

9 (3) RECORDS.—The Working Group shall main-
 10 tain records of the meetings of the Working Group
 11 and make the records available for public inspection.

12 (g) LIMITATION ON ADMINISTRATIVE ASSISTANCE.—
 13 Not more than 5 percent of the funds allocated under sec-
 14 tion 903(b) to Mount Hood National Forest for a fiscal
 15 year may be used to provide administrative assistance to
 16 the Working Group during that fiscal year.

17 (h) FEDERAL ADVISORY COMMITTEE ACT.—The
 18 Federal Advisory Committee Act (5 U.S.C. App.) shall not
 19 apply to the Working Group.

20 (i) TERMINATION OF WORKING GROUP.—The Work-
 21 ing Group shall terminate at the end of the 10-year period
 22 beginning on the date of enactment of this Act.

23 **SEC. 906. CONSIDERATION OF CONVERSION OF FOREST**
 24 **ROADS TO RECREATIONAL USES.**

25 (a) EVALUATION OF CURRENTLY CLOSED ROADS.—

1 (1) CONSIDERATION FOR RECREATIONAL
2 USE.—The Secretary of Agriculture may make a de-
3 termination regarding whether the Forest Service
4 roads in Mount Hood National Forest that were se-
5 lected before the date of enactment of this Act for
6 closure and decommissioning, but have not yet been
7 decommissioned, should be converted to recreational
8 uses to enhance recreational opportunities in the na-
9 tional forest, such as conversion to single-track trails
10 for mountain bikes and trails for snowmobiling, off-
11 road vehicle use, horseback riding, hiking, cross-
12 country skiing, and other recreational uses.

13 (2) CONSIDERATION OF ENVIRONMENTAL AND
14 ECONOMIC IMPACTS.—In evaluating the feasibility
15 and suitability of converting Forest Service roads
16 under this subsection to recreational uses, and the
17 types of recreational uses to be authorized, the Sec-
18 retary shall take into account the environmental and
19 economic impacts of implementing the conversion
20 and of the resulting recreational uses.

21 (3) PUBLIC PROCESS.—The consideration and
22 selection of Forest Service roads under this sub-
23 section for conversion to recreational uses, and the
24 types of recreational uses to be authorized, shall be
25 a public process, including consultation by the Sec-

1 retary of Agriculture with the Mount Hood National
2 Forest Recreational Working Group.

3 (b) FUTURE CLOSURE CONSIDERATIONS.—Whenever
4 the Secretary of Agriculture considers a Forest Service
5 road in Mount Hood National Forest for possible closure
6 and decommissioning after the date of enactment of this
7 Act, the Secretary shall include, as an alternative to de-
8 commissioning the road, consideration of converting the
9 road to recreational uses to enhance recreational opportu-
10 nities in the Mount Hood National Forest.

11 **SEC. 907. IMPROVED TRAIL ACCESS FOR PERSONS WITH**
12 **DISABILITIES.**

13 (a) CONSTRUCTION OF TRAIL.—The Secretary of Ag-
14 riculture may enter into a contract with a partner organi-
15 zation or other person to design and construct a trail at
16 a location selected by the Secretary in Mount Hood Na-
17 tional Forest suitable for use by persons with disabilities.

18 (b) PUBLIC PROCESS.—The selection of the trail lo-
19 cation under subsection (a) and the preparation of the de-
20 sign of the trail shall be a public process, including con-
21 sultation by the Secretary of Agriculture with the Mount
22 Hood National Forest Recreational Working Group.

23 (c) FUNDING.—The Secretary of Agriculture may use
24 funds in the special account established under section 902
25 to carry out this section.

1 **TITLE X—AUTHORIZATION OF**
2 **APPROPRIATIONS**

3 **SEC. 1001. AUTHORIZATION OF APPROPRIATIONS.**

4 There are authorized to be appropriated such sums
5 as are necessary to carry out this Act.

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